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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR06-431-RSM
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 ROY CHANNING MITCHELL,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 A hearing on supervised release revocation in this case was scheduled before me on
15 January 13, 2009. The United States was represented by AUSA Lisca Borichewski and the
16 defendant by Billie Morelli. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about May 25, 2007 by the Honorable Ricardo S.
18 Martinez on a charge of Interstate Travel in aid of Racketeering, and sentenced to 12 months and
19 one day custody, 3 years supervised release. (Dkt. 51.)

20 The conditions of supervised release included the standard conditions plus the requirements
21 that defendant participate in drug treatment and testing, abstain from alcohol, submit to search,
22 participate in a mental health program and provide access to financial information.

01 On October 27, 2008, defendant admitted to violating the conditions of supervised release
02 by committing the crimes of driving under the influence of alcohol and assault in the 4th degree,
03 and by drinking alcohol. (Dkt. 58.) The conditions of release were modified to require electronic
04 home and sobriety monitoring for up to 120 days. (Dkt. 61.)

05 In an application dated December 15, 2008 (Dkt. 63), U.S. Probation Officer Brian K.
06 Facklam alleged the following violations of the conditions of supervised release:

07 1. Failing to appear for drug testing as directed on November 25 and 26, 2008 in
08 violation of the special condition directing him to do so.

09 2. Failing to follow the instructions of the U.S. Probation Officer on November 26,
10 2008 in violation of standard condition 3.

11 3. Using marijuana on or about November 30, 2008 in violation of the special
12 condition of supervision requiring that he abstain from the use of intoxicants and of standard
13 condition 7.

14 4. Using opiates on or before November 30, 2008 in violation of the special condition
15 of supervision requiring that he abstain from the use of intoxicants and of standard condition 7.

16 Defendant was advised in full as to those charges and as to his constitutional rights.

17 Defendant admitted alleged violations 1, 3 and 4 and waived any evidentiary hearing as
18 to whether they occurred. (Dkt. 67.) The government moved to dismiss violation 2.

19 I therefore recommend the Court find defendant violated his supervised release as alleged
20 in violations 1, 3 and 4, and that the Court dismiss violation 2 and conduct a hearing limited to
21 the issue of disposition. The next hearing will be set before Judge Martinez.

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01 Pending a final determination by the Court, defendant has been detained.

02 DATED this 13th day of January, 2009.

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04 Mary Alice Theiler
05 United States Magistrate Judge

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08 cc: District Judge: Honorable Ricardo S. Martinez
09 AUSA: Lisca Borichewski
10 Defendant's attorney: Billie Morelli, Jeffrey Steinborn
11 Probation officer: Brian K. Facklam
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